

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

v.

CASE NO.: 23-CV-24299

AMOR DE JESUS CORP., et al.,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR SECOND DISCOVERY
HEARING**

COME NOW, the Defendants Amor De Jesus Corp., ("Amor") and Sweet Living Facility, LLC ("Sweet Living") and Jose Machado ("Mr. Machado") and Zelmira Quinonez ("Zelmira") and Aminta Quinonez ("Aminta") (collectively, "Defendants") by and through the undersigned counsel, and file their Response to Plaintiff's Motion for Second Discovery Hearing and states as follows:

1. Pursuant to the Court's initial Scheduling Order [DE 21], the deadline to complete all discovery was April 26, 2024.
2. On April 16, 2024, Plaintiff's counsel commenced the Deposition of Aminta Quinonez at 1:00 PM and finished at 5:00 PM.
3. On April 18, 2024, Plaintiff's counsel commenced the Deposition of Zelmira Quinonez at 1:00 PM and finished at 5:00 PM.
4. On April 23, 2024, Plaintiff's counsel filed a Motion to Continue Trial and Related Pretrial Deadlines [DE 51] requesting that the Discovery deadline be extended so they can continue the Depositions of Aminta Quinonez and Zelmira Quinonez, which undersigned counsel agreed to.

5. On April 29, 2024, a paperless Order [DE 55] was entered granting Plaintiff's Motion to Continue Trial and Related Pretrial Deadlines. The deadline to complete all Discovery including Depositions was now June 10, 2024.
6. On May 24, 2024, Plaintiff's counsel filed a Motion for Extension of Time to File a Response to Defendant, Jose Machado's Motion for Summary Judgment. [DE 64].
7. On May 28, 2024, a paperless Order [DE 65] was entered granting Plaintiff's Motion for Extension and extended the deadline for Depositions to June 20, 2024.
8. On May 28, 2024, Plaintiff's counsel requested dates to schedule the remaining depositions for Aminta Quinonez and Zelmira Quinonez. Undersigned's office complied and provided dates within the timeline of the Court's Order. Emails attached as Exhibit A.
9. On May 30, 2024, Plaintiff's counsel advised they are not available on the days and times provided and requested additional dates. Undersigned's office provided three (3) additional dates, two of which were within the timeline of the Court's Order. Emails attached as Exhibit B.
10. Plaintiff's counsel stated they are "entitled to depose each individual for 7 hours." As previously stated, Plaintiff's counsel had already taken both Aminta and Zelmira's deposition for four (4) hours. Thus, leaving them with only three (3) hours to take the continued deposition for Aminta Quinonez and Zelmira Quinonez. According to Rule 30 (d)(1), a deposition is limited to one (1) day of seven (7) hours. Undersigned provided dates, each date giving them three (3) hours, which is sufficient time to complete the remaining Depositions.

11. On May 31, 2024, undersigned counsel sent Plaintiff's counsel a letter advising that the only dates he currently had available were the four (4) previous dates that were provided. Undersigned received no response from Plaintiff's counsel. Letter attached as Exhibit C.
12. On June 11, 2024, more than ten (10) days after undersigned sent the letter, Plaintiff's counsel emailed undersigned's office requesting dates. Undersigned responded again providing dates. Undersigned received no response from Plaintiff's counsel. Emails attached as Exhibit D.
13. On June 19, 2024, eight (8) days after undersigned had provided dates and the day before the deadline to take the continued depositions of Aminta and Zelmira, Plaintiff's counsel requested dates again to take the depositions. Email attached as Exhibit E.
14. On June 20, 2024, undersigned sent a letter to Plaintiff's counsel advising that we had complied by providing multiple dates and Plaintiff's counsel failed to schedule the deposition prior to the June 20, 2024 deadline. Letter attached as Exhibit F.
15. Plaintiff's counsel knew that deadline of June 20, 2024 was approaching yet chose twice to wait over a week to respond to two separate emails providing dates. Then at the last second, one day prior to the deadline, Plaintiff's counsel finally responded requesting more dates. Undersigned's office always immediately responded to their emails providing dates.
16. In closing, from the time the Court entered the Order extending the deadline, undersigned provided Plaintiff with the following dates:

- June 17
- June 18
- June 19
- June 20

Plaintiff's counsel chose not to proceed and instead filed their Motion for Secondary Hearing which is not good faith.

WHEREFORE, Defendants respectfully request this Honorable Court to deny Plaintiff's Motion for Second Discovery Hearing and whatever other relief it deems just and reasonable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been electronically filed and served via EM/ECF on this 27th day of June 2024.

LAW OFFICE OF EMMANUEL PEREZ & ASSOCIATES, P.A.
901 Ponce De Leon Blvd., Suite 101
Coral Gables, FL 33134
Tel: (305) 442-7443
Fax: (305) 441-9218
E: perez@lawperez.com

By: Emmanuel Perez
Emmanuel Perez, Esq.
FL. Bar # 586552



Assistant

From: Assistant
Sent: Wednesday, May 29, 2024 7:59 AM
To: Juan Aragon
Cc: Steffany Sanguino; Brian Pollock; Brooks LaRou
Subject: RE: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good morning,

Mr. Perez is available on the following days:

- June 19: 9:00 AM – 12:00 PM
- June 20: 9:00 AM – 12:00 PM

Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



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I ♡ e

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From: Juan Aragon <juan@fairlawattorney.com>
Sent: Tuesday, May 28, 2024 4:58 PM
To: Assistant <assistant@lawperez.com>
Cc: Steffany Sanguino <steffany@fairlawattorney.com>; Brian Pollock <brian@fairlawattorney.com>; Brooks LaRou <brooks@fairlawattorney.com>
Subject: Re: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good afternoon Counsel,

I trust this message finds you well. I am contacting you to arrange the remaining depositions of Aminta and Zelmira Quinones. As per the recent order, it is necessary to schedule these depositions before June 20th. Could you kindly provide us with your availability for this purpose?

If you have any questions or concerns do not hesitate to contact our office.

Best Regards,

Juan Aragon | Legal Assistant to
Brian H. Pollock, Esq.
FairLaw Firm
Ofc: 305.230.4884
Fax: 305.230.4844
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
juan@fairlawattorney.com
www.fairlawattorney.com

On Fri, May 17, 2024 at 11:57 AM Assistant <assistant@lawperez.com> wrote:

Good afternoon Steffany,

Mr. Perez has no availability before June 10th. I provided you with his soonest availability.

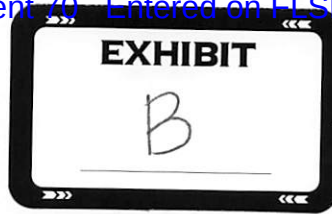
Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com

135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
brian@fairlawattorney.com
www.fairlawattorney.com



On May 31, 2024, at 7:34 AM, Assistant <assistant@lawperez.com> wrote:

June 18 at 2:30 pm; June 19 at 3:30 pm; June 21 at 1 pm.

Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



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From: Brian Pollock <brian@fairlawattorney.com>
Sent: Thursday, May 30, 2024 12:22 PM
To: Assistant <assistant@lawperez.com>
Cc: Juan Aragon <juan@fairlawattorney.com>; Steffany Sanguino <steffany@fairlawattorney.com>; Brooks LaRou, Esq. <brooks@fairlawattorney.com>
Subject: Re: Chavez Letona vs Amor de Jesus et al - Request for depositions

Gotcha - but I am not available on the 20th or first thing in the am on the 19th, so we need new/additional dates of availability.

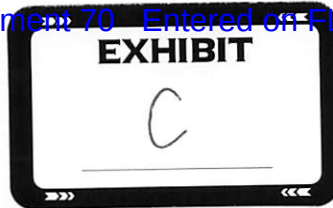
Brian H. Pollock, Esq.
FairLaw Firm
Dir: 305.230.4822
Ofc: 305.230.4884

135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
brian@fairlawattorney.com
www.fairlawattorney.com

On May 29, 2024, at 9:30 AM, Assistant <assistant@lawperez.com> wrote:

We have been giving you these dates for some time. Presently, these are the only available dates and they are within the Court's Order.

Kind regards,



LAW OFFICES OF EMMANUEL PEREZ

ATTORNEY AT LAW
901 PONCE DE LEON BLVD.
SUITE 101
CORAL GABLES, FLORIDA 33134

TELEPHONE: (305) 442-7443

FACSIMILE: (305) 441-9218

May 31, 2024

Brian Pollack, Esquire
Via email

RE: CHAVEZ LETONA VS. AMOR DE JESUS ET

Dear Mr. Pollack:

You already took the deposition of both of the Defendants for approximately 4 hours. This continuation of the depositions is just so you can "max out" the 7 hours under the rules, whether or not you need it. The Court issued a ruling with a discovery cut off date. The multiple dates provided to your office numerous times is prior to the cutoff and provides enough time for you to conclude the depositions. I am not available other than the 4 times I have given you prior to June 20 which have been provided to you since May 16. As far as fees are concerned, you are essentially bankrupting these small businesses who were barely getting by making a monetary demand that far exceeds their ability to pay it. Do whatever you deem necessary.

Sincerely,

A handwritten signature in black ink, appearing to be "Emmanuel Perez", written over a horizontal line.

EMMANUEL PEREZ



Assistant

From: Assistant
Sent: Wednesday, June 12, 2024 9:46 AM
To: Juan Aragon
Cc: Brian Pollock; Brooks LaRou, Esq.
Subject: RE: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good morning,

Mr. Perez is available the following days via Zoom:

- June 17 from 2:00 PM – 5:00 PM
- June 19 from 9:00 AM – 12:00 PM

Thank you!

Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



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From: Juan Aragon <juan@fairlawattorney.com>
Sent: Tuesday, June 11, 2024 5:07 PM
To: Assistant <assistant@lawperez.com>

Cc: Brian Pollock <brian@fairlawattorney.com>; Brooks LaRou, Esq. <brooks@fairlawattorney.com>

Subject: Re: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good afternoon Counsel,

I hope this email finds you well. I am following up regarding the continuation of the requested depositions. Could you please assist me with this?

If you have any questions or concerns do not hesitate to contact our office.

Best Regards,

Juan Aragon | Legal Assistant to
Brian H. Pollock, Esq.
FairLaw Firm
Ofc: 305.230.4884
Fax: 305.230.4844
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
juan@fairlawattorney.com
www.fairlawattorney.com

On Fri, May 31, 2024 at 1:15 PM Assistant <assistant@lawperez.com> wrote:

Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com





Assistant

From: Juan Aragon <juan@fairlawattorney.com>
Sent: Wednesday, June 19, 2024 1:44 PM
To: Assistant
Cc: Brian Pollock; Brooks LaRou, Esq.; Emmanuel Perez
Subject: Re: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good afternoon Counsel,

Please provide us with more dates to set the continuation of the requested depositions.

If you have any questions or concerns do not hesitate to contact our office.

Best Regards,

Juan Aragon | Legal Assistant to
Brian H. Pollock, Esq.
FairLaw Firm
Ofc: 305.230.4884
Fax: 305.230.4844
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
juan@fairlawattorney.com
www.fairlawattorney.com

On Wed, Jun 12, 2024 at 7:46 AM Assistant <assistant@lawperez.com> wrote:

Good morning,

Mr. Perez is available the following days via Zoom:

- June 17 from 2:00 PM – 5:00 PM
- June 19 from 9:00 AM – 12:00 PM

Thank you!

Kind regards,



LAW OFFICES OF EMMANUEL PEREZ

ATTORNEY AT LAW
901 PONCE DE LEON BLVD.
SUITE 101
CORAL GABLES, FLORIDA 33134

TELEPHONE: (305) 442-7443

FACSIMILE: (305) 441-9218

June 20, 2024

Brian Pollock, Esquire
Via email

RE: CHAVEZ LETONA VS. AMOR DE JESUS ET

Dear Mr. Pollock:

We are in receipt of your email dated June 19 and this shall serve as a response. We have provided you with dates to continue the Depositions of Zelmira Quinonez and Aminta Quinonez 4 separate times:

- On May 16, 2024, we provided you with three dates: June 19, June 20, and June 26. (Email attached as Exhibit A)
- On May 29, 2024, we provided you with dates again: June 19 and June 20. (Email attached as Exhibit B)
- On May 31, 2024, we provided you with dates for a third time: June 18, June 19, and June 21. (Email attached as Exhibit C)
- On June 12, 2024, we provided you with dates for a fourth time: June 17 and June 19. (Email attached as Exhibit D)

We have been providing dates to your office since May 16, 2024. You failed to schedule the continuation of the depositions. Your deadline to set and take the continuation of Zelmira's deposition and Aminta's deposition has expired.

Sincerely,

A handwritten signature in black ink, appearing to be "Emmanuel Perez", written over a horizontal line.

EMMANUEL PEREZ

Assistant

From: Assistant
Sent: Thursday, May 16, 2024 2:11 PM
To: Juan Aragon
Cc: Brian Pollock; Brooks LaRou; Steffany Sanguino
Subject: RE: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good afternoon,

Mr. Perez is available the following days:

- June 19: 9:00 AM – 11:30 AM
- June 20: 3:00 PM – 5:00 PM
- June 26: 2:30 PM – 5:00 PM

Please advise. Thank you!

Kind regards,

Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



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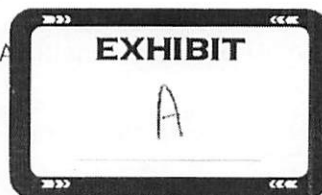


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From: Juan Aragon <juan@fairlawattorney.com>

Sent: Thursday, May 16, 2024 1:25 PM

To: Emmanuel Perez <Perez@lawperez.com>; A <A@lawperez.com>



Assistant

From: Assistant
Sent: Wednesday, May 29, 2024 7:59 AM
To: Juan Aragon
Cc: Steffany Sanguino; Brian Pollock; Brooks LaRou
Subject: RE: Chavez Letona vs Amor de Jesus et al - Request for depositions

Good morning,

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Olivia Reyes

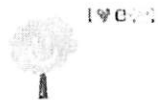
email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



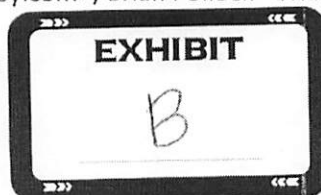
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Cc: Steffany Sanguino <steffany@fairlawattorney.com>; Brian Pollock <brian@fairlawattorney.com>; Brooks LaRou <brooks@fairlawattorney.com>
Subject: Re: Chavez Letona vs Amor de Jesus et



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On May 31, 2024, at 7:34 AM, Assistant <assistant@lawperez.com> wrote:

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Olivia Reyes

email: assistant@lawperez.com

E-mail for Service of Pleadings: courtmail@lawperez.com



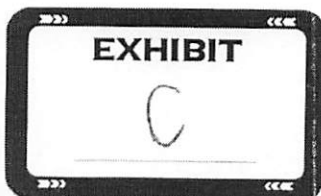
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Olivia Reyes

email: assistant@lawperez.com

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